

REMARKS

Reconsideration and removal of the grounds for rejection are respectfully requested. Claims 62-75 were in the application, claims 62-65, 67-69 and 73-74 have been amended.

Interview Summary

The applicant's attorney would like to thank Examiner Smith for taking the time to review the application and to discuss the present application and claims. The discussion involved the various dimensional limitations required for the modular assembly of the transportable building and the features of the service module. While no agreement was reached, the discussion helped in the formulation of the present amendments to the claims,

The Amendments

In response to the rejection, the applicant has amended independent claims 62 and 68 so as to clarify that the applicant provides a room, which is complete with three walls, a floor and a ceiling plate at least, the room comprising a service module that is outfitted with installations including having fixtures preassembled therein ready for connection to building services so that the room comprising the service module is in a ready to use condition. Support for this is found in paragraph 0038, 0042 and Fig. 3, where it describes the service module 2a as including the devices and equipment necessary to form the kitchen of a restaurant, service module 2b as being a bathroom of the building, and paragraph 0048, where a service module 2e is an office fitted with "typical office furniture". Thus, no new matter is included in this amendment.

It is respectfully requested that the finality of the office action be withdrawn to allow entry and consideration by the Examiner of the amended claims, particularly as the Examiner indicated in the rejection that structural limitations were lacking "associated with the term 'service module' ", and this amendment directly addresses this point. In addition, entry is proper as it is believed that the invention as embodied in the amended claims is believed to be patentable over the

prior art, as explained more fully below.

Claims 62, 64-69, 71 and 72 were rejected as being obvious over Bigelow, U.S. Patent no. 4,327,529.

The Examiner alleged that Bigelow disclosed a method of constructing a transportable building, following steps similar to those stated in claim 62. However, the Examiner admitted that Bigelow lacked the relative dimensional limitations regarding the service module and segments, among other deficiencies. Moreover, the Examiner has not given due consideration to the meaning of terms used in claims 62 and 68.

Specifically, the Examiner stated that it would have been obvious "to fabricate the service module and segments to dimensions that fit into a container...".(emphasis added) However, the actual claim language requires the service module to have dimensions "corresponding to" a vehicle appropriate for container transportation, not that parts merely fit inside of a container. "Corresponding to" would have it's ordinary and customary meaning, "correspondence" meaning "the agreement of things with one another"; "corresponding" means "agreeing in some respect (as kind, degree, position or function)" and "correspond" meaning "a: to be in conformity or agreement", "b. to compare closely : MATCH-usually used with to or with" and "c: to be equivalent or parallel".(See attached definition)

As shown and described in the specification, the room forming the service module has a width matching the width of a typical container, and in one embodiment, a length that is about 1/2 of a typical container, so that the block of vertical and horizontal segments can travel behind the service module as shown in Fig. 1, these segments having dimensions set in reference to the service module dimensions. For a transportable building to meet the claim requirements, the segment lengths must be twice the height of the service module. This leads in to the criticality of the various dimensional claim limitations, as uniformity and correspondence in dimensions are required to create the applicants' transportable

building, and not just one made from multiple components of different sizes and shapes, but a complete building made from parts of uniform and dimensionally related sizes and shapes.

Bigelow, Jr. has no components which meet the limitations of claims 62 and 68. In particular, while the various parts used in Bigelow may be transportable, there is no uniformity in dimensions, and no room comprising a service module that "corresponds to" a vehicle, that is, which matches the vehicle dimensions. The core portion may fit inside a container, as shown in Bigelow Fig. 4, along with many other components and parts of various dimensions, but it is clear that the core does not have dimensions "corresponding to" a vehicle used for transporting containers.

Also, Bigelow does not disclose, teach, suggest or predictably lead one to a room comprising a service module that is outfitted with installations including having fixtures preassembled therein ready for connection to building services so that the room comprising the service module is in a ready to use condition. As shown in Fig. 4, and as described in the patent, substantial assembly is required before even the core is ready to use. All the fixtures are separately shipped and must be assembled on site, while the applicants' room, being complete with its walls, floor and ceiling plate, comprising a service module, is delivered with the fixtures pre-assembled therein and simply dropped onto a foundation.

Consequently, as there is nothing to teach, suggest or predictably lead one skilled in the art to the applicant's invention, claims 62, 68 and the claims depending therefrom are not rendered obvious over Bigelow.

Claims 63, 73 and 74 were rejected as being obvious over Bigelow, Jr. et al in view of McCrillis et al, U.S. Patent no. 3,831,327.

The Examiner refers to McCrillis et al as presenting service modules 48, 60 in an end to end relationship. However, the service modules of McCrillis are not rooms but portions of rooms that are incorporated later with walls and ceilings, such as wall 50, as best illustrated in Figures 1 and 2. Moreover, the service

modules are not connected together, but are separated by the wall 150, and so they do not form a true end to end assembly. Also, the particular dimensional relationships between the vertical walls and horizontal floor/ceiling portions are not found in McCrillis, and in fact, McCrillis would lead one away from the present invention as the long load bearing walls are necessary to properly support a building made from prestressed concrete, whereas, such long load bearing walls are not used in the present invention. Consequently, claims 63, 73 and 74 are not believed to be obvious over the proposed combination.

Claim 70 was rejected as being obvious over Bigelow in view of Harley, U.S. Patent 2,089,059.

Claim 70 depends from and contains all the limitations of claim 68 therein, and the arguments above relative to Bigelow are equally applicable here. Harley was cited as disclosing vertical square posts. However, Harley does not overcome the deficiencies of Bigelow relative to the room comprising the service module of claim 68, nor does Harley teach the specific dimensional relationships which allow for rapid assembly of a building on site, and claim 70 is believed to be patentable over the proposed combination.

Claim 75 was rejected as being obvious over Bigelow in view of McCrillis and further in view of Harley. Claim 75 depends from and contains all the limitations of claims 74 and 68 therein, and the arguments above relative to Bigelow, McCrillis and Hurley are equally applicable here. In particular, neither McCrillis nor Harley overcome the deficiencies of Bigelow relative to the room comprising the service module of claim 68, nor do McCrillis or Harley teach the specific dimensional relationships which allow for rapid assembly of a building on site, and claim 75 is believed to be patentable over the proposed combination.

Based on the above amendments and remarks, reconsideration and allowance of the application are respectfully requested. However, should the examiner believe that direct contact with the applicant's attorney is necessary to advance the prosecution of the application, the examiner is invited to telephone

the undersigned at the number given below.

Respectfully submitted,

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